

**IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION**

J.B., a minor child, by and)
through his next friend,)
Addie Ward, on behalf of)
himself and all others)
similarly situated,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO.
) 2:06cv755-MHT
WALTER WOOD, in his)
individual capacity,)
)
Defendant.)

J.B., a minor child, by and)
through his next friend,)
Addie Ward, on behalf of)
himself and all others)
similarly situated,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO.
) 2:06cv908-MHT
WALTER WOOD, in his)
individual capacity,)
)
Defendant.)

RESPONSE TO ORDER DATED OCTOBER 24, 2006

The Defendant, J. Walter Wood, Jr., by and through the undersigned attorney, objects to the consolidation of the above referenced cases, and in support whereof states as follows:

1. The Plaintiff filed the first of these two identical lawsuits while in the custody of the Department of Youth Services. The Defendant in answer thereto asserted the provisions of the

Prison Litigation Reform Act (the “PLRA”). In response, after the Plaintiff left the custody of the Department of Youth Services, the Plaintiff filed the second lawsuit, presumably to avoid the provisions of the PLRA. Now the Plaintiff seeks to merely consolidate the cases.

2. Consolidation of the two cases should not merely serve as a subterfuge to skirt the provisions of the PLRA with regard to the claims asserted in the first lawsuit. Common questions of law and fact vary significantly, and significant confusion of the issues will result from consolidation.

WHEREFORE, the Defendant requests that the Court deny the Plaintiff’s motion to consolidate these cases.

Respectfully submitted
TROY KING
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of October, 2006, I electronically filed the foregoing
RESPONSE TO ORDER DATED OCTOBER 24, 2006, with the Clerk of the Court Using the
CM/ECF system which will send notification of such filing to the following:

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